

Steven K. Eisenberg, Esquire
STERN & EISENBERG
The Pavilion, Suite 410
Jenkintown, PA 19046
Telephone: (215) 572-8111
Facsimile: (215) 572-5025
E-mail: seisenberg@sterneisenberg.com
Attorneys for Sallie Mae, Inc.

In re:

ERIC BOATEY, and
and AKOSUA OWUSUAA,

Debtors.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
TRENTON VICINAGE**

Bankr. Case No.: 10-43034-RTL
Chapter 7

ERIC BOATEY, and
and AKOSUA OWUSUAA,

Adv. Proc. No.: 11-02070

Plaintiffs,

v.

EDUCATIONAL COMPUTER SYSTEM, INC.,
GREAT LAKES, SALLIE MAE, AMERICAN
EDUCATION SERVICES, ACS, and
NATIONAL COLLEGIATE TRUST,

Defendants.

SALLIE MAE, INC.'S PRE-TRIAL MEMORANDUM

Sallie Mae, Inc. ("Sallie Mae"), by and through its undersigned counsel, hereby provides this Pre-Trial Memorandum, in accordance with this court's Pre-Trial Instructions, and states as follows:

1. Nature of the Action: Plaintiffs, Eric Boatey and Akosua Owusuaa ("Plaintiffs"), seek a determination of the dischargeability of student loan debt owed to Sallie Mae in the total amount of \$220,683.67, as well as other debts owed to other student loan lenders.

2. Status of Discovery: Sallie Mae served Plaintiffs with Interrogatories, Requests for Production, and Requests for Admission on September 6, 2011. As of the date of the filing of this Pre-Trial Memorandum, Sallie Mae has not received responses to its discovery requests.

3. Factual Issues: (a) Whether Plaintiffs can maintain, based on current income and expenses, a minimal standard of living if required to repay the educational loan debt. (b) Whether additional circumstances exist, indicating that Plaintiffs' inability to maintain a minimal standard of living and repay student loan debt (if any) is likely to persist for a significant portion of the repayment period of the educational debt. (c) Whether Plaintiffs have made a good faith effort to repay the educational loan debt, prior to seeking discharge.

4. Legal Issue: Whether Plaintiffs can meet the requirements of the *Brunner* test for undue hardship.

5. Itemized Damages Being Sought: a. Plaintiff, Akosua Owusuaa, is indebted to Sallie Mae pursuant to the applicable terms of one (1) educational loan Promissory Note, disbursed on July 7, 2006, with an outstanding balance, as of August, 11, 2011, including principal, interest and fees, in the amount of \$27,214.17

b. Plaintiff, Eric Boatey, is indebted to Sallie Mae pursuant to the applicable terms of ten (10) educational loan Promissory Notes executed by Plaintiff, Eric Boatey, to obtain educational loans ("Student Loans") with an approximate aggregate balance, as of August, 11, 2011, of \$193,469.50, itemized as follows:

i. one (1) Student Loan disbursed August 1, 2005, with a balance, including principal, interest and fees, totaling \$10,892.87; and

ii. one (1) Student Loan disbursed August 4, 2005, with a balance, including principal, interest and fees, totaling \$8,744.99; and

iii. one (1) Student Loan disbursed February 24, 2006, with a balance, including principal, interest and fees, totaling \$20,304.31; and

iv. one (1) Student Loan disbursed August 22, 2006, with a balance, including principal, interest and fees, totaling \$53,438.33; and

v. one (1) Student Loan disbursed January 24, 2007, with a balance, including principal, interest and fees, totaling \$25,769.37; and

vi. one (1) Student Loan disbursed March 27, 2007, with a balance, including principal, interest and fees, totaling \$16,711.83; and

vii. one (1) Student Loan disbursed May 17, 2007, with a balance, including principal, interest and fees, totaling \$7,552.21; and

viii. one (1) Student Loan disbursed August 29, 2007, with a balance, including principal, interest and fees, totaling \$16,127.07; and

ix. one (1) Student Loan disbursed September 17, 2007, with a balance, including principal, interest and fees, totaling \$21,704.26; and

x. one (1) Student Loan disbursed September 5, 2008, with a balance, including principal, interest and fees, totaling \$12,188.26.

6. Why a Joint Proposed Scheduling Order was not submitted: Counsel representing Sallie Mae has been unable to contact Plaintiffs for the purpose of preparing a Joint Proposed Scheduling Order.

7. Date for Trial Readiness: Sallie Mae anticipates being ready for Trial on March 1, 2012.

8. Estimated Length of Trial: The estimated length for trial is one day.

9. List of Witnesses for Defendant, Sallie Mae, Inc.:
- (a) Plaintiffs,
 - (b) A custodian of records for Sallie Mae, if necessary, and
 - (c) Any witnesses called by any other party.
10. Any other information: None known.

Respectfully submitted,

By: /s/ Steven K. Eisenberg
Steven K. Eisenberg, Esquire
STERN & EISENBERG
The Pavilion, Suite 410
Jenkintown, PA 19046
Telephone: (215) 572-8111
Facsimile: (215) 572-5025
E-mail: seisenberg@sterneisenberg.com

Attorneys for Sallie Mae, Inc.